

Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

Kristin Carter Rowe, Esq.
Writer's Telephone Extension: 239
krowe@youngsommer.com

September 23, 2019

VIA ECF

Magistrate Judge Christian F. Hummel
United States District Court, Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

**RE: State of New York et al v. U.S. Environmental Protection Agency et al
Case No. 1:19-cv-01029 (DNH/CFH)**

Dear Magistrate Judge Hummel:

The above-referenced action was commenced by the State of New York ("State") to invalidate and vacate a Certification of Completion issued by the United States Environmental Protection Agency ("EPA") to the General Electric Company ("GE") for GE's dredging project in the Hudson River. EPA issued that Certification pursuant to the terms of a Consent Decree executed by GE and the United States, which was approved by this Court in Civil Action No. 1:05-cv-1270 (*United States v. General Electric Co.*, 460 F.Supp.2d 395 (N.D.N.Y. 2006)). Civil Action 1:05-cv-1270 is listed as a related case on the docket.

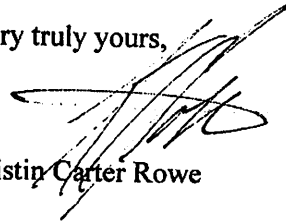
Because the State is challenging GE's Certification of Completion, GE filed a motion on September 23, 2019 to intervene as a defendant in this action pursuant to Rules 24(a)(2) and 24(b)(1)(B) of the Federal Rules of Civil Procedure. In accordance with Local Rule 7.1 (which establishes a 31-day notice requirement) and General Order #25 (which sets your motion return date as the 3rd Thursday of the month), GE was required to select November 21, 2019 as the return date for its motion to intervene. By this letter, GE respectfully requests that the return date be moved to October 17, 2019 because both of the parties to this action – plaintiff State and defendant EPA – do not oppose GE's motion to intervene, and we therefore submit that there is no need to wait for their response to the motion. In addition, given GE's direct interest in this case, GE wishes to intervene before the time for any pleadings or motions by EPA, so that GE can participate fully in such proceedings, including by filing a motion to dismiss. A return date of November 21 would likely be too late to allow GE to do this, whereas, in light of the lack of any opposition to GE's motion, we submit that a return date of October 17 would promote an efficient approach to the case.

Magistrate Judge Christian F. Hummel
September 23, 2019
Page 2

Accordingly, GE respectfully requests a text order changing the return date on its unopposed motion to intervene from November 21, 2019 to October 17, 2019.

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kristin Carter Rowe', is written over the typed name. The signature is stylized with a large, sweeping initial 'K'.

Kristin Carter Rowe

KCR/alr

cc: All counsel of record (via ECF)